

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
TUESDAY, FEBRUARY 5, 2002**

SPECIAL ORDERS OF BUSINESS

ITEM-S400: American Subcontractor's Association Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1001)

Recognizing the graciousness and dedication of the members of the San Diego Chapter of the American Subcontractor's Association and proclaiming February 5, 2002 to be "American Subcontractor's Association Day" in the City of San Diego.

SUPPORTING INFORMATION:

Commending the American Subcontractor's Association for its invaluable service to the neighborhood of Fox Canyon in City Heights. By taking on a wonderful community project when they were contacted by a homeowner who needed help after losing her life savings to a fraudulent contractor who left her home in an unlivable condition, the Association showed dedication to public service and restored the home.

Proclaiming February 5, 2002 to be "American Subcontractor's Association Day" in San Diego.

Agey

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-S401: Initiate a Community Plan Amendment to change the Community Plan Area name from Sorrento Hills to Torrey Hills.
- (Sorrento Hills Community Area. District-1.)

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1007)

Initiating a Community Plan Amendment to change the Community Plan Area name from Sorrento Hills to Torrey Hills.

SUPPORTING INFORMATION:

The request for the community name change originated with the community in an effort to better establish their identity as a community. Councilmember Peters is supporting the community in its desire to change their community plan area name from Sorrento Hills to Torrey Hills. The first step to this name change is to have the City Council initiate a Community Plan Amendment. This would then allow staff to proceed with preparing the revisions and processing the amendment. The initiation process is covered by Section 122.0103 of the Land Development Code which states the City Council may initiate an amendment to a community plan by adopting a resolution.

Cameron

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

- * ITEM-S402: Appointments and Reappointment to the Horton Plaza Theatres Foundation Board.

(See resumes.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1028)

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Horton Plaza Theatres Foundation Board, for three-year terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Darlene Gould Davies (Reappointment)	June 7, 2004
Martha Ehringer (Replaces William Virchis, whose term has expired)	August 31, 2004
Cheryl A. Fisher (Replaces Floyd Gaffney, whose term has expired)	June 7, 2004
Paul Marshall (To fill seat currently open)	June 7, 2004

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S403: Golden Turner Settlement Agreement.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1026)

A Resolution approved by the City Council in Closed Session on Tuesday, January 22, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$2,800,000 in the settlement of each and every claim of Golden Turner against the City, its agents and employees, resulting from damages regarding the Convention Center Expansion project and that Golden Turner agrees to indemnify and defend the City from any and all claims or costs related to Golden Turner's work on the Convention Center Expansion project;

Authorizing the City Manager to execute a final settlement agreement with Golden Turner in the amount of \$2,800,000;

Authorizing the increased appropriation of \$900,000 from Convention Center Expansion Fund No. 102212 and \$1,225,016 from Public Liability Reserve Fund No. 81140 to Convention Center Expansion CIP-370100;

Authorizing the expenditure of an amount not to exceed \$2,800,000 from Convention Center Expansion CIP-370100 for the payment of the final settlement agreement with Golden Turner provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasury.

Aud. Cert. 2200756.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, HEARINGS
NOTICED HEARINGS:

ITEM-S404: Torrey View Estates.

Matter of approving, conditionally approving, modifying or denying a request for a Vesting Tentative Map, Rezone, Site Development Permit and Planned Development Permit to subdivide an existing 11.85 acre residential property into eight lots of a minimum one acre each for future development of custom single family homes. The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential minimum 10 acre lots) to AR-1-2 (Agricultural-Residential minimum 1 acre lots).

(Continued from the meetings of January 15, 2002, Item 333 and January 29, 2002, Item 332; last continued at the request of Councilmember Peters so he can be in attendance.)

NOTE: No public testimony taken on January 29, 2002. The Public Testimony portion of the hearing is open.

Public Testimony was taken on January 15, 2002. The Public Testimony portion of the hearing is open.

(VTM/PDP/SDP/RZ-40-0197. Carmel Valley Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map; adopt the resolution in subitem C to grant the permits; and introduce the ordinance in subitem D:

Subitem-A: (R-2002-929) Cor. Copy

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration LDR-40-0197 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California code of Regulations section 15000 et seq.),

ADOPTION AGENDA, HEARINGS (Continued)
NOTICED HEARINGS: (Continued)

ITEM-S404: (Continued)

Subitem-A: (Continued)

that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Torrey View Estates project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-)

Adoption of a Resolution granting or denying Tentative Map TM-40-0197, with appropriate findings to support Council action.

Subitem-C: (R-2002-)

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0197, with appropriate findings to support Council action.

ADOPTION AGENDA, HEARINGS (Continued)
NOTICED HEARINGS: (Continued)

ITEM-S404: (Continued)

Subitem-D: (O-2002-73) Cor. Copy

Introduction of an ordinance changing 11.85 acres located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area, from the AR-1-1 zone into the AR-1-2 zone, as defined by San Diego Municipal Code Section 131.0404; and repealing Ordinance O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on November 15, 2001, voted 5-0-0 to recommend approval of the project as proposed and conditioned. The Planning Commission also directed staff to advise the City Council of their concern that the potential public connection from Arroyo Sorrento Road to the open space south of the project site would be lost with approval of this project because there is no mechanism for the City to require the applicant to provide such a connection; was opposition.

Ayes: Stryker, Garcia, Lettieri, Brown, Butler
Not present: Anderson, Schultz

The Carmel Valley Community Planning Board on February 15, 2001, voted 12-0-0 to submit a letter with their concerns and conditions of approval for the project. The project was redesigned by the applicant and now satisfies most of the Planning Board's concerns. Two issues remain: 1) the Planning Group has requested that pedestrian access be provided through the Torrey View Estates property to allow neighboring residents to access the open space area immediately south of the project site. The applicant has not proposed such an access, nor is it a requirement of the City Land Development Code or the Carmel Valley Community Plan; and 2) the Planning Board requested that no more than two of the five proposed homes along Arroyo Sorrento Road would have "front loaded" garages, facing the street. The project as currently designed and conditioned does not require this, although a maximum 2-car width garage would be allowed along Arroyo Sorrento Road.

ADOPTION AGENDA, HEARINGS (Continued)
NOTICED HEARINGS: (Continued)

ITEM-S404: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The Torrey View Estates project proposes to subdivide an existing 11.85 acre residential property in the Carmel Valley Community Plan area into eight (8) lots of a minimum one acre each for future development of 8 custom single-family residences. The project site is located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place. The property is currently zoned AR-1-1 (Agricultural-Residential, minimum 10 acre lots). The project proposes to rezone the property to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) to allow the creation of the 8 proposed lots. On May 1, 1996, Hillside Review and Grading Review Permit No. 94-0277 was issued for the project site to allow development of a 5,000 square-foot, one-story single family home with swimming pool, plus 10,000 square-foot croquet court and garden area with a 750 square-foot gazebo. Grading has commenced under that permit, and the project site has also been used as a construction staging area for the adjacent project to the east (Torrey Woods Estates). An existing flood water storage easement and desiltation basin and access easement have been developed on site by the developer to the east, Torrey Pines Home Building Company, and shall be maintained by that developer. Other than these improvements, the project site is vacant.

As biological resource mitigation for Hillside Review Permit (HR) No. 94-0277, 4.11 acres of the site were to be dedicated as open space. However, only 3.75 acres were actually dedicated per the recorded easements. The proposed Torrey View Estates project would amend and rededicate a total of 4.11 acres into open space easement for biological resources mitigation on-site, as required.

Surrounding land uses include the residential development (Torrey Woods Estates) to the east, multi-family residential units to the south (Loma Sorrento), a single family home with horse corrals and greenhouse to the west, and vacant land to the north.

The project site contains steep slopes and sensitive habitats. A Site Development Permit is therefore required for the project in accordance with the Environmentally Sensitive Lands Regulations. Access to three of the eight proposed lots would be via a gated private driveway off of Arroyo Sorrento Road. Due to the proposed frontage on the private driveway in lieu of a public right-of-way, a Planned Development Permit is required for the project.

ADOPTION AGENDA, HEARINGS (Continued)
NOTICED HEARINGS: (Continued)

ITEM-S404: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

PROJECT DESCRIPTION

The proposed Torrey View Estates project includes a request for a Vesting Tentative Map, Planned Development Permit, Site Development Permit and a Rezone from AR-1-1 to AR-1-2 to create eight (8) custom home lots of a minimum one acre in size each. The eight proposed lots range in size from 1.0 acres to 3.30 acres. Each lot would provide a minimum of four parking spaces on site. The proposed project includes Design Guidelines for development of the custom homes, which would range in size from 2,800 square feet to 6,500 square feet. The lots would be sold and developed separately, and there are no specific development proposals at this time. Design of the custom homes would be in accordance with the Design Guidelines. Conformance with the Design Guidelines would be determined by staff through a Substantial Conformance Review process prior to issuance of building permits, as required in the draft Permit. The Design Guidelines specify architectural characteristics and styles designed to ensure quality development that is compatible with the surrounding neighborhood and environmentally sensitive. Permitted architectural styles include French Country, Spanish Colonial, English Country, Italian, and Tuscan, as presented in the Design Guidelines.

Vehicular access to three of the eight lots (Lots 6-8) would be via a gated private driveway off of Arroyo Sorrento Road. The proposed gate is in compliance with Council Policy 600-42 for controlled access. Access to Lots 1-5 would be directly from Arroyo Sorrento Road and would be in conformance with the zone requirements.

Grading is proposed to create the custom home lots, in addition to grading that is already occurring pursuant to HR-94-0277. Currently, approximately 57% of the site has been disturbed by grading. An additional 7% of the site would be graded with the proposed project. Approximately 2,500 cubic yards of cut and 37,000 cubic yards of fill are proposed, with a net import amount of 34,500 cubic yards. Grading has been designed to minimize the impact to natural landforms and the custom home sites have been located so as to minimize the environmental and visual impact of the future homes. As a condition of the permit, the elevation of the pads along Arroyo Sorrento Road shall not be increased.

ADOPTION AGENDA, HEARINGS (Continued)
NOTICED HEARINGS: (Continued)

ITEM-S404: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The proposed project includes an amendment and rededication to the City's open space preserve. As a condition of the previous HR-94-0277, a total of 4.11 acres of undisturbed land was to have been placed into three dedicated open space easements as mitigation for biological impacts of the approved single family project. However, only 3.747 acres of the site were actually dedicated. To correct this situation, the currently proposed project would rededicate the open space easements to achieve the total required amount of 4.11 acres.

HOUSING AFFORDABILITY IMPACT: The proposed residential project is not required to provide an affordable housing component due to its location within a "planned urbanizing" rather than a "future urbanizing" community. Other issues related to housing affordability such as demolition of rental housing are not applicable to the vacant property and relatively small number of market-rate dwelling units proposed.

TRAFFIC IMPACT: The Torrey View Estates project is estimated to generate approximately 80 average daily trips (ADT). Twenty (20) of these trips are estimated to occur on Interstate 5 south of State Route 56, which has an estimated near-term volume of 262,020 ADT. Caltrans is planning to widen Interstate 5 to provide 10 additional lanes south of State Route 56 to be completed by 2004.

FISCAL IMPACT: None with this action.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area and is more particularly described as Lot 6 of Sorrento Estates, Map 8735, in the City of San Diego, County of San Diego.